

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASON GOODMAN

Plaintiff,

v.

ADAM SHARP, TERRANCE O'REILLY, FRANK
SCHERMA, MARGARET ESQUENET, THE
NATIONAL ACADEMY OF TELEVISION ARTS
AND SCIENCES, INC., AND ACADEMY OF
TELEVISION ARTS & SCIENCES,

Defendants.

21-cv-10627 (VEC)

DEFENDANTS' RESPONSE TO
PLAINTIFF'S ADJOURNMENT
REQUEST

Defendants Adam Sharp, Terrance O'Reilly, Frank Scherma, Margaret Esquenet, The National Academy of Television Arts and Sciences, Inc., and Academy of Television Arts & Sciences (collectively, the "Defendants") jointly and respectfully respond to Plaintiff Jason Goodman ("Plaintiff")'s April 12, 2022 request for an adjournment of the April 14, 2022 deadline to submit a joint letter and proposed joint case management plan, and the April 22, 2022 Initial Pretrial Conference ("Plaintiff's Adjournment Request"). (Dkt. 58).

Plaintiff's Adjournment Request fails to comply with this Court's December 17, 2021 Order (Dkt. 8) because it does not include the following: (1) the number of previous requests for adjournment, or (2) whether the other parties consent and, if not, the reason given for refusing consent. *See* Plaintiff's Adjournment Request. Regarding the second point, Plaintiff never sought Defendants' consent to file a request for an adjournment or otherwise informed Defendants that Plaintiff intended to seek any relief from the Court regarding these issues.

Plaintiff requests an adjournment of the initial pretrial conference and related filing deadlines because of alleged confusion regarding representation of Defendant Scherma. *See*

Adjournment Request. Finnegan, Henderson, Farabow, Garrett & Dunner LLP (“Finnegan”) has yet to file a formal notice of appearance on behalf of Defendant Scherma in this action because there is a dispute over the validity of Plaintiff’s attempted service of the summons and Amended Complaint on Defendant Scherma. As Plaintiff is aware, Defendant Scherma has authorized Finnegan to waive service on his behalf pursuant to Fed. R. Civ. P. 4(d), so the issue is moot. Finnegan requested the necessary waiver of service documents as described in Fed. R. Civ. P. 4(d)(1) from Plaintiff.¹ To date, Finnegan has not received them.

Currently, three additional motions are pending before the Court. First, Defendants filed a Joint Motion to Dismiss the Amended Complaint on April 5, 2022 (Dkt. 51), the opposition to which is due April 19, 2022. Second, on April 12, 2022, Plaintiff filed a Motion for Leave to File a Second Amended Complaint. (Dkt. 57). Third, earlier today (April 14, 2022) Plaintiff filed a Motion for Leave to File a Third Amended Complaint. (Dkt. 60). Defendants intend to oppose Plaintiff’s Motions for Leave to Amend the Complaint, which briefs are due April 26, 2022 and April 28, 2022, respectively.²

In light of Plaintiff’s *pro se* status, Defendants respectfully submit that an initial pretrial conference could be useful at this time. That said, Defendants have no objection to an adjournment of the initial pretrial conference and related filing deadlines if the Court wishes to wait until the pending motions are decided, as those decisions will likely affect future case management deadlines.

¹ This submission further clarifies that Finnegan represents Defendant Scherma in this action. Defendants’ Memorandum of Law in Support of Their Joint Motion to Dismiss Plaintiff’s Amended Complaint also confirms Finnegan’s representation of Defendant Scherma in this action. *See* Dkt. 53.

² In their Joint Motion to Dismiss Plaintiff’s Amended Complaint, Defendants submitted that dismissal with prejudice is warranted because any further attempt to amend the complaint would be futile. *See* Dkt. 53, Section VI.

Dated: April 14, 2022

Respectfully Submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

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